



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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**DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION –
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
NELSON COUNTY SERVICE AUTHORITY
FOR
SCHUYLER STP
Permit No.: VA0026484**

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment 2023) issued under the authority of Va. Code §§ 62.1-44.15 between the Department of Environmental Quality (Department) and Nelson County Service Authority, regarding the Schuyler STP for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to Nelson County Service Authority on September 19, 2019. In 2022, the Virginia General Assembly passed Senate Bill 657 which transferred the authority to issue consent special orders from the State Water Control Board to the Department.

SECTION B: Basis for Amendment

1. Nelson County Service Authority (NCSA) owns and operates the Plant in Schuyler, Virginia. The Permit allows NCSA to discharge treated sewage and other municipal wastes from the Plant to Ivy Creek, in the James River Basin, in compliance with the terms and conditions of the Permit.

2. The Board entered into the Order with NCSA effective September 19, 2019 for construction of a new treatment plant. The Order requires NCSA to:
 - a. Secure funding to construct the replacement of the Facility and close the existing treatment works by July 1, 2020; completed on March 18, 2020;
 - b. Advertise bids for the Facility upgrade by July 31, 2021; completed on October 24, 2021;
 - c. Submit to DEQ a Certificate to Construct (CTC) application for review and approval by December 1, 2021; approved on October 13, 2021;
 - d. Complete construction of the Plant upgrade, obtain a Certificate to Operate (CTO) and update the Facility's O&M Manual to incorporate operation and maintenance procedures for the new treatment units by December 30, 2022; Not completed;
 - e. Within 90 days of the issuance of the CTC, NCSA shall submit to DEQ for review and approval, a closure plan to close the original treatment units at the Facility. The closure plan shall include an anticipated timeline for completion. The closure plan shall be incorporated and enforceable as part of the Order upon DEQ's approval; Completed on January 11, 2022;
 - f. Within 90 days of the issuance of the CTO, but by no later than March 31, 2023, NCSA shall complete the closure of the original treatment Facility; Not completed
3. On May 28, 2021, DEQ received notification from NCSA contracted engineers that they could not meet the July 31, 2021 bid advertisement deadline due to discovering additional sewer lines that need replacement and added to scope of the project.
4. On November 22, 2022, DEQ received notification from NCSA that the contractor would complete the replacement of the entire collection system by February 2023. The package plant manufacturer estimated delivery in late summer 2023, and estimate completing construction in late November 2023. NCSA states that these are the trickle-down effects of supply chain disruptions and labor shortages brought on by the coronavirus.
5. Based on the information available to DEQ to date, NCSA is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders NCSA, and NCSA agrees to:

1. Perform the actions described in Appendix A of this Amendment, which supersedes the Order Appendix A. Both DEQ and NSCA understand and agree that this Amendment does not alter, modify or amend any other provision of the

Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this _____ day of _____, 2023.

Tiffany R. Severs, Regional Director
Department of Environmental Quality

Nelson County Service Authority voluntarily agrees to the issuance of this Amendment.

Date: February 21, 2023 By: , 
George Miller Executive Director

Nelson County Service Authority

APPENDIX A SCHEDULE OF COMPLIANCE

This Appendix A supersedes the Order issued to NCSA on September 19, 2019.

Plant Upgrades:

NCSA shall complete its construction of the new treatment plant (Plant) by installing a small package plant in accordance with the following schedule:

1. Substantially complete construction of the Plant upgrade, obtain a Certificate to Operate (CTO) and update the Facility's O&M Manual to incorporate operation and maintenance procedures for the new treatment units by **January 31, 2024**; and
2. Within 90 days of the issuance of the CTO, NCSA shall complete the closure of the original treatment Facility.

General Requirements:

3. NCSA shall submit quarterly reports to DEQ, with the first report being due April 10, 2023. Subsequent quarterly progress reports will be due July 10, and October 10, along with the Plant's DMR until cancellation of this Amendment. The quarterly progress reports shall contain:
 - a. A summary of all work completed since the previous quarterly progress report in accordance with this order;
 - b. A project of the work to be completed in the upcoming quarterly period in compliance with this Amendment; and
 - c. A statement regarding any anticipated problems in complying with this Amendment.
4. No later than 14 days following a date identified in the above schedule of compliance, NCSA shall submit to DEQ's Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of the noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

DEQ Contact:

Unless otherwise specified in this Amendment, NCSA shall submit all requirements of Appendix A of this Amendment to:

Celeste Horton, Enforcement Specialist
VA DEQ, Valley Regional Office
PO Box 3000, Harrisonburg, VA 22801
Celeste.Horton@deq.virginia.gov